

**Political Process in Settling Ethno-religious Separatism:
A Case Study of Aceh, Indonesia**

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**民族・宗教的分離主義の解決における政治過程：
インドネシアのアチェ州に対するケーススタディー**

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要 旨

インドネシア政府と自由アチェ運動による合意書の調印は、ほぼ30年間に渡った分離主義紛争を終わりにしアチェ州における新時代の始まりの印となった。特に平和合意に書いてある地域政党に関する条約に対して、中央にある国家主義の政治家が持っているアチェ州における平和の持続可能性に対する懐疑的な態度があるにも関わらず、アチェ州は明確な政治的安定性を示し、少なくとも平和の耐久性に関する早期の文献による持続可能な平和の基準を満たした。平和合意書の調印から13年間後の現在にかけて、アチェ州は州知事選挙を3回、議会選挙を2回行い、どれも元自由アチェ運動家の政治家の勝利であった。政治的安定性、紛争後の民主主義化及び平和構築に関する文献に基づき、本稿は現在の政治的安定性をどう理解するか、またそれを維持するためにはどのような犠牲が発生したかを追求する。本稿は、交渉による和解において必ず妥協が必要とされているが、紛争後の社会における民主主義の質を高めるためにより真剣な配慮と行動が必要であることが明らかにする。

キーワード：インドネシア、アチェ州、政党、紛争後、分離主義運動、選挙



Introduction

The signing of Memorandum of Understanding (MoU) between Government of Indonesia (GoI) and Free Aceh Movement (GAM, *Gerakan Aceh Merdeka*) on 15 August 2005 in Helsinki, Finland, has officially put an end to the nearly three-decade long separatist conflict in Aceh, Indonesia. The settlement of Aceh conflict attracted many attentions, particularly from those of peacemakers, political observers, and academicians. This remarkable achievement of peace settlement in Aceh is regarded as a precious gift for the Republic of Indonesia, which at the time was about to celebrate its 60th anniversary on 17 August 2005. It also serves as a proof to the international community that Indonesia put peaceful way above violence in dealing with Aceh conflict (Maeswara 2009, 104-105). The Finnish mediated Aceh peace process is also considered as one of the most successful internationally mediated peace accords in the world (Senanayake 2009, 212).

As a peace agreement, Helsinki MoU made some major breakthroughs, including a clear definition of Aceh's special autonomy within the Unitary State of the Republic of Indonesia (NKRI, *Negara Kesatuan Republik Indonesia*), clarified in a new Law on the Government of Aceh (UU-PA) No. 11/2006. The law is based on principles, such as: provincial and district government authority over all sectors of public affairs, excluding foreign affairs, external defense, national security, monetary, and fiscal matters, justice and freedom of religion, and a stipulation that all decisions on domestic or international affairs related to Aceh undertaken by national government or legislature of Aceh and the head of Aceh administration.

The immediate background to the peace talks, which led to the signing of Helsinki MoU, however, seemed unpromising. It was partly because there had already been two failed peace settlements in the previous years. Beginning in early 2000, a series of talks were facilitated by a Swiss-based NGO, Center for Humanitarian Dialogue (HDC), which produced a Humanitarian Pause (*Jeda Kemanusiaan*) in mid-2000 and a more complex process of Cessation of Hostilities Agreement (COHA) in December 2000. The latest settlement of Aceh conflict has practical implication in the study of conflict resolution. Practically, if sustainable, the Aceh peace process should indicate the importance of recognizing the root cause of the conflict and the identity of the insurgency groups.

In the practice of conflict resolution, many have been reported about how the difficulty facing the counterinsurgency missions in recognizing the nature of the problem and developing an effective political-military-economic solution, one which is the U.S. counterinsurgency in Iraq. The U.S.' failure to contain the raising level of disorder in Iraq, as well as subsequent policy and military mistakes, helped create the environment in which an insurgency took hold and a civil war unfolded (Pirnie & O'Connell 2008, xiii-xiv).

As far as conflict settlement is concerned, many writers on the issue tend to focus on the social, psychological and economic aspects of post-conflict reconstruction. For them, the only political process, if any, in conflict settlement is the dialogue and negotiation in the context of peacemaking. For the practitioners of peacebuilding, the priority should be on Disarmament, Demobilization, and Reintegration (DDR) in order to ensure that the combatants lay down their arms, government troops withdrawn from the conflict area, the internally displaced persons return to their homes, and the economic disruption is recovered. However, the political process that follows after the signing of the peace agreement should not be neglected. Another important process in the post-conflict reconstruction is how to provide a long-term basis for effective, peaceful civilian governance through the creation of legitimate, representative local and national institutions (Brown 2004, 66). Serious attention on building representative institutions will also provide for former combatants to be involved in the democratic process through free and fair elections. That is the reason why nearly every civil war that has ended since 1989¹

has involved efforts at implementing or strengthening democracy as part of peace process.

This paper examines the peace process in Aceh and the subsequent political process after the signing of the peace agreement. It discusses how the conflicting parties—especially the former combatants—perceive democratic process as a way to make their voices heard and to make their interests articulated and represented.

Peace Process to End Civil Wars

The term ‘peace process’ has become increasingly popular since the 1990s, largely to place earlier references to conflict resolution diplomacy and conflict management. Even though it is difficult to determine the precise date for this change, the reasons appear clear. Peace process recognizes that the cycle of activities necessary to produce a just and lasting agreement stretches both backward and forward from the actual period of negotiations, and that the steps involved are not linear but often occur simultaneously and at different speeds (Darby 2001, 11).

Examination of internal conflicts has a special place in the study of conflict resolution, because internal conflicts or civil wars are the most difficult to negotiate (Zartman 1995, 3). While termination through military victory provides a relatively more enduring peace, many internal wars or civil wars ended with peace agreements after rigorous negotiations. Ironically, however, many reoccurrences of civil wars are those wars that ended with previous peace negotiated settlement (DeRouen & Bercovitch 2008). In a similar vein, Hampson (1996) argued that it is not uncommon for a peace process to be overturned by violence even after an accord has been agreed to and is being implemented, as what took place in Angola. This argument is also supported by a research conducted at the United States Institute of Peace which shows that out of the thirty eight formal peace accords signed between January 1988 and December 1998, thirty-one failed to last more than three years².

Giving an analogy about peace process with mountain range, Darby (2001, 8) describes that peace processes are often regarded as journeying through four separate phases: firstly, the pre-negotiation phase which often involves secret negotiations, during which terms of disengagement from violence and engagement in talks are agreed on; secondly, the formal ending of violence, usually through cease-fires; thirdly, the negotiation, which aims at political or constitutional agreement; and lastly, the post-settlement peacebuilding.

Furthermore, Darby also describes that in terms of definition, a peace process must include five criteria: firstly, the protagonists must be willing to negotiate in good faith; secondly, the key actors must be included in the process; thirdly, the negotiations must address the central issues in the dispute; fourthly, force must not be used to achieve objectives; and fifth, the negotiators must be committed to a sustained peace. Additionally, according to Darby and Roger Mac Ginty (2006, 6-8):

“Outside these general principles, peace processes follow greatly varied directions. Pre-negotiation contacts may be used to test the ground, and may involve external or internal mediators. The official process usually begins with a public announcement and often with a cease-fire. Once started, the rules and sequence of negotiators who, by definition, have little experience of negotiation. It is not essential to start with a defined constitutional or political outcome for the process, but a peace process cannot be regarded as completed unless a political and constitutional framework has been agreed. Even if it is, the detailed implementation presents other opportunities for failure. Throughout, the process is likely to run into periods, sometimes extensive, of stalemate. The ultimate test of durability is its ability to retain all of its key characteristics and to leave open the possibility of restoring momentum.”

In the peace process, which aims at ending civil wars, it is often found that governments refuse to negotiate with rebels

directly. Thus, it is reasonable to expect that third-party intervention would be more acceptable to both combatants and potentially more successful in helping to reach a settlement. This argument is made based on the quality of fairness in negotiations, in which a third party mediator may be more adept at relating to the disputants that would otherwise be the case in bilateral negotiations. In bilateral negotiations, each side is likely to be focused on extracting absolute gains and may adopt a more rigid and uncompromising bargaining stance. However, it cannot be denied that a mediator may be able to temper hostilities, provide credible assurance as to the fairness of the conciliation process, and strive to balance the key concerns of each side. The role of third party mediation is not only limited to assisting disputants to arrive at a settlement, but also to include assisting in the implementation process. The continuation of third party mediator's role is maintained in order to keep the commitment of disputants for peace, through their presence in monitoring the implementation of peace agreements.

History of Aceh Conflict

Aceh, which to date has a population of 5,096,248³, is one of Indonesia's provinces relatively rich in natural resources, such as oil and natural gas. It also has a relatively distinct history compared to the other 33 provinces⁴ of what make up Indonesia today. The province has been known as the area in which the Dutch had never taken full control during the colonial era. Series of rebellions committed by the *ulamas* (Islamic leaders) had rendered the region to retain its identity. The Acehnese also took pride on their region being '*Serambi Mekka*', or the front yard/gate to the Holy Land, not only because of its crucial role in Islamic learning but also for its position as the most important transit point for Malay-Indonesian pilgrims in their journey to and from Haramayn⁵ (Khan 2006, 176). The famous Dutch orientalist Snouck Hurgronje also affirms this understanding by portraying Aceh as a door to Arabia for pilgrims from all over the archipelago (Riddell 2006, 38).

When resistance against the Dutch colonists became stronger in Indonesia—especially during the independence revolution period between 1945 and 1950—Acehnese *ulamas* became increasingly subjugated to a much larger scale of national independence struggle led by Sukarno. For most Acehnese at the time, Indonesian struggle for independence was on the same wavelength with Acehnese freedom movement. Thus, in October 1945, the *ulamas*, with the support from Acehnese people, declared that Acehnese people were united and firmly stood behind the great leader Sukarno. They also described Indonesian struggle as a continuation of the past struggle in Aceh led by local heroes such as Tengku Cik Di Tiro, Cut Nyak Dien, and Teuku Umar.

However, soon after independence was achieved, disillusionment began to spread in Aceh. After the republic gained power over the region, political and economic influences of the *ulamas* began to decline. There was also an element of frustration among the *ulamas* towards the central government. Earlier on, during his meeting with the Aceh military governor, Daud Beureuh, President Sukarno promised the enactment of *shari'a* (Islamic law). The president's failure to keep the promise had generated frustration among the Acehnese, especially the *ulamas*. On 20 September 1953, Daud Beureuh announced the formation of *Darul Islam* (House/Abode of Islam)⁶. He also stated that Aceh is a part of the federation of Islamic State of Indonesia (NII, *Negara Islam Indonesia*) declared earlier in 1948 in West Java by Sekarmadji Maridjan Kartosuwirjo.

In response to the demand of the *ulamas*, in January 1957 President Sukarno administration reestablished the 'Province

of Aceh', which raised hope among some *Darul Islam* leaders that Aceh would soon be free to implement *shari'a*. This confidence resulted in decreasing involvement of Aceh in *Darul Islam* rebellion. Later on, as part of Jakarta's efforts to reach a peaceful negotiation with Acehnese *Darul Islam* rebels, President Sukarno decided to grant Aceh the status of 'Special Region' (*Daerah Istimewa*) on 26 May 1959 by conferring broad autonomy to the province in the areas of religion, education and *adat* (tradition)⁷.

In the New Order era⁸, resistance and struggle for independence appeared in Aceh. The richness of the province's natural resources did not correspond well with the level of wealth among Acehnese population. Disappointed with the way Indonesian government treated Aceh, Hasan Tiro (once a member of Indonesian delegation to the United Nations in New York and a grandson of the famous hero of the anti-colonial struggle against the Dutch, Tengku Cik Di Tiro) returned to Aceh. Together with around seventy followers (mainly his relatives and friends), in October 1976 he formed the Free Aceh Movement (GAM, *Gerakan Aceh Merdeka*). Although in his memoir Tiro insisted on the feeling of despair and deprivation among the Acehnese that had aggravated the separatist movement, some scholars believed that Tiro might have been frustrated because his bid for a contract to build a pipeline for Mobil Oil in Aceh was failed. In 1974, Tiro was known to have lost out the bid to the U.S. construction company, Bechtel⁹.

On 4 December 1976, Tiro and his followers declared the "Independence of Aceh-Sumatra" while accusing the "Javanese Indonesia" as a neo-colonial perpetrator attempting to steal the treasures of Aceh (Missbach 2005, 163). Thus, unlike the *Darul Islam* (the previous rebellion in Aceh, led by Daud Beureueh, in 1950s), which brought the issue of formation of Islamic State, economic factor seemed to have been the strong motivation for the formation of GAM. Tiro also established a "government" of the new state consisting of chief executive, foreign ministry and defense ministry. In order to gain more public support, GAM exploited many existing grievances, such as: general neglect of the central government towards Aceh, unjust redistribution of wealth, deprivation, discrimination, or suppression of Acehnese identity. Those grievances were undeniably played important roles in the development of GAM's ideology and its commitment to independence. Beside those grievances, GAM also generated the issues of religious (Islam) identity and ethnic (Acehnese) identity.

In the late 1970s and the early 1980s, amid the intensifying gas and oil exploration by Indonesian government in Aceh province, resistance from GAM tended to increase. It led Indonesian government to declare Aceh as a military operation zone (DOM) where Indonesian armed forces (TNI) used brutal tactics, such as: murder, kidnapping, torture, rape and so on, to terrorize GAM fighters and sympathizers. This hardline approach has several consequences, as follows: firstly, the growing sentiment among the Acehnese population of detestation and animosity towards Jakarta. Reports of atrocities committed by TNI members had generated a strong desire of revenge among the young generation in Aceh (Missbach 2005, 167). Secondly, given that many Indonesian troops deployed to combat GAM were from other ethnic groups, especially the Javanese, the brutal tactics they incurred had increased the ethnic sentiment among the Acehnese (Aspinall 2006, 159). Thirdly, the desire of revenge had led to the expansion of GAM members. If in the 1970s GAM evolved from a small vanguard of force comprising of 70 members, at the time of the collapse of peace process to end the Aceh conflict in 2003, it was estimated that GAM had around 8,000 members (Schulze 2006, 242).

Peace Attempts in Aceh

Since the collapse of the New Order¹⁰ regime, several peace agreements had been attempted to end the conflict in Aceh.

While the authoritarian government's non-compromising approach had denied every possibility of dialogue and negotiation, the democratic post-New Order governments showed a growing intention for a peaceful settlement in Aceh. The democratic leaders of Indonesian government even allowed international non-governmental organizations (NGOs) to initiate the peace process and serve as the third-party mediator. Beginning in early 2000, a series of talks were facilitated by a Swiss-based NGO, the Center for Humanitarian Dialogue (DHC), which produced a Humanitarian Pause (*Jeda kemanusiaan*) in mid-2000 and a more complex process of Cessation of Hostilities Agreement (COHA) in December 2002.

However, a number of factors which included the lack of commitment on both sides (Indonesian government and GAM), the failure to set up the right incentive for a sustainable peace, the lack of credibility and capacity of the mediator in implementing the agreements, the failure to touch upon key issues, and the presence of uncontrollable spoilers on both sides had led to the collapse of the peace deals. In May 2003, President Megawati issued the Presidential Decree (*Keputusan Presiden*) No. 28/2003 announcing a military emergency in the province and ordering a full-scale military offensive dubbed as *Operasi Terpadu* (Integrated Operation), which marked the beginning of the most brutal and violent armed conflict in the region since the formation of GAM in 1976. Following is the elaboration of four key factors that might have caused the collapse of the peace settlements in between the years 2000 and 2002.

(a) *The lack of flexibility and commitment of both Indonesian Government and GAM*

This factor had rendered the peace process fragile. On the one hand, Indonesian government insisted that Aceh should remain an “integral part of the Unitary State of the Republic of Indonesia (NKRI)”. To the frustration of many GAM leaders, this expression had been used time and time again by Indonesian military leaders, political elites and negotiators in many occasions and set as the terms for negotiation. On the other hand, GAM leaders and representatives were also not flexible enough to work on an alternative strategy to negotiate their demand for independence. At least until 2003, many GAM leaders were insistent that a full independence for Aceh is a non-negotiable (*harga mati*) target, thus there would be no negotiation if Indonesian government kept insisting on Aceh as part of the NKRI.

(b) *The failure to set up the right incentive*

The early peace settlements—especially the Cessation of Hostilities Agreement (COHA)¹¹—failed to set up the right incentive that could guarantee a sustainable peace. In a peace negotiation, the government needs to provide the separatist group with right incentives in order to make them accept the terms and conditions set in the deal. In its attempt to win the hearts and minds of the Acehnese and GAM leaders, Indonesian government issued Law No. 18/2001 (UU-NAD) on Special Autonomy for Nanggroe Aceh Darussalam (the title given to Aceh province according to the law) allowing *shari'a* to be implemented in the province. Although the law was meant to give full autonomy for Aceh, it authorized the implementation of *shari'a* without clarifying how it would be codified or enforced, how judges, prosecutors and police for the Islamic court would be recruited and trained, and under what circumstances civil law would continue to be in use.

The failure on the part of Indonesian government to provide attractive incentive for the Acehnese resulted from its failure to understand the root cause of the separatist movement. For the political elites, depiction of Aceh as being a distinct Islamic community had led to misjudgment about the core of the matter. The Indonesian government—at least in between 2001 and 2003—misread GAM as being an Islamic organization. Consequently, it failed to work on some kind of economic and political incentives for the Acehnese. As already mentioned earlier, GAM grew out from economic disappointment with the

central government and it used ethnicity and Islam simply as an instrument to mobilize followers and to keep itself part of Aceh identity. Thus, the absence of economic and political incentives had made the peace settlement unappealing, especially for GAM fighters.

(c) *The lack of credibility and capacity of the mediator to implement the agreement*

Both Humanitarian Pause and COHA were hampered by the lack of credibility and capacity of the mediator to implement the agreement. To be a successful mediator, an NGO should not only be familiar with the issue, but also have institutional capacity to deal with state or group leaders and potential spoilers, secure authority and reputation in the concerned area, and gain respect from the negotiating parties (Natsios 1997 and Rieff 2004). Those are exactly what HDC failed to produce. HDC was not only a relatively little known NGO, but it also lacked the political clout that UN peacekeeping missions or states can bring to peace mediation and implementation. Thus, when COHA was about to be implemented, HDC failed to make the parties comply with its provisions or to force them back to the negotiating table when there were impediments on the ground (Aspinall 2005, 19).

For example, when COHA was at the brink of total collapse, Amin Rais (then speaker of the Indonesian parliament) rejected HDC's demand for Indonesia's return to the negotiation table by saying: "HDC is a small NGO, we should not agree on everything they tell us to do. We are an independent state, so we have the right to move on with our own agenda in Aceh and should not allow ourselves to be dictated by a small NGO" (Kompas, 7 January 2005). Another problem with HDC was its inability to produce an effective monitoring arm. The Joint Security Committee (JSC)—which was supposed to monitor the implementation of the agreement—was spoiled by obstruction, hard bargaining, horse-trading which led to the failure to investigate violations and punish the wrongdoers (Huber 2004, 33).

(d) *The failure to touch upon the core issues*

The collapse of both Humanitarian Pause and COHA can also be linked to the failure to touch upon the essence of the matter. While Humanitarian Pause was meant to be a ceasefire, COHA was more complicated and ambitious process as it also included demobilization and disarmament activities. As a peace negotiation, COHA failed to reach agreement on some crucial matters, such as how to reach a compromise between the separatists' demand for independence and the government's insistence on Aceh to remain part of Indonesia, how the integration of GAM members should be carried out, and to what extent GAM members can participate in the local politics.

The proposal on 'special autonomy' (UU-NAD) offered by Indonesian government was unappealing because the government did not seem to be interested in reintegrating GAM members into Aceh's society and politics. For example, proposals from the Acehnese to appoint GAM's top leader, Hasan Tiro, as honorary *Wali Naggroe* (state guardian) and to incorporate GAM fighters into the provincial police force were rejected by Jakarta. The failure to incorporate GAM members into the local administration was seen as a weakness on the part of Indonesian government to work on an inclusive political process in the post-conflict resettlement. As one Acehnese member of parliaments, Teuku Syaiful Ahmad, lamented: "How could we ask GAM to surrender if we did not give them any positions (at the local government) at all?" (Miller 2006, 303).

Indeed, the lack of agenda on the participation of GAM leaders and members in Aceh's political process had made the peace deal less attractive, especially from GAM's point of view. It is therefore not surprising if GAM tried to use the Humanitarian Pause and COHA to consolidate and increase its presence in the sub-districts (*kecamatan*) and districts

(*kabupaten*). Its leaders were also able to make a good use of the ceasefire to intensify their propaganda for an independent Aceh through prayer meetings in mosques, *dayah*, and many other places.

The collapse of both Humanitarian Pause and COHA in May 2003 was followed by a massive military offensive by Indonesian military. In the renewed armed conflict, Indonesian armed forces (TNI) deployed some 40,000 troops to the region. Soon after the conflict broke out, humanitarian problems—internally displaced persons, school burnings, extortions, extrajudicial killings, and so on—became increased. Violation of human rights soon became the major concern. During the first week of the military operation, for example, there were reports of extrajudicial executions by security forces, of plans by Indonesian military to forcibly relocate large number of Acehnese in order to separate them from GAM members, of a wave of school burnings by unidentified persons, and of kidnappings of human rights activists. The United Nations Secretary General, Kofi Annan, also expressed his concern on the human costs of the armed conflict in Aceh by stating: “Deep concern about the impact of renewed hostilities on civil populations in Aceh, particularly by the reports of extrajudicial killings and widespread burning of schools” (United Nations News Service, 29 May 2003). By the end of 2004, when the tsunami hit the province, the military conflict had ended killing more than 800 people and leaving more than 200,000 people displaced.

Peace Process Prior to the 2004 Indian Ocean Tsunami

The first-ever attempted direct presidential election in 2004 resulted in the election of Susilo Bambang Yudhoyono (popularly known as SBY) and Muhammad Jusuf Kalla—as president and vice president. This change of government in Indonesia had turned the direction of conflict and raised a new hope for peace in Aceh. Although President Yudhoyono was a retired military general, he had involved (in his capacity as Coordinating Minister for Political and Security Affairs during Megawati’s presidency) in a number of peace negotiations for Aceh, Maluku and Poso in 2001 and 2003. On the ground, peace negotiations during that period of time were carried out by Jusuf Kalla (then Coordinating Minister for People’s Welfare) and his team. The two prominent figures teamed up and won the 2004 elections. Not long after they were elected, the new vice president began to work on an undisclosed plan for peace in Aceh. He formed a secret negotiating team involving Hamid Awaluddin (Minister of Justice and Human Rights), Sofyan Djalil (Minister of Communications and Information), and Major General Syarifuddin Tipe (former regional military commander of Aceh) and asked the team to quietly approach GAM leaders who had been in exile (in Sweden and Malaysia) for many years and search for a more workable peace solution in Aceh.

Kalla’s peace initiative began to unravel during Megawati’s presidency, when he asked his Deputy Coordinating Minister for People’s Welfare, Farid Husain, to make contact with GAM leaders in Sweden in early 2004. Husain’s visit to Helsinki in February 2004 had brought the peace initiative to the attention of former Finnish president, Marti Ahtisaari, who subsequently agreed to involve his organization, Crisis Management Initiative (CMI), to serve as a third party mediator (*International Crisis Groups* 2005, 2). This suggests that peace negotiations that led to Helsinki Agreement in August 2005 had actually begun months before the tsunami hit Aceh.

The initial meeting between representatives of Indonesian government and Free Aceh Movement (GAM) was followed by intensive exchange of communication from both sides. On 31 October 2004, in a meeting in Kuala Lumpur, Malaysia, the two sides signed the so-called “Points of Agreement between Negotiators of the Government and GAM”. The agreement contained some crucial issues that had never been raised in the previous peace settlements. In the agreement, Indonesian

government offered economic incentives to GAM, which can be summed up as follows: (1) the state-owned plantation and its assets in North and East Aceh would be turned over to the provincial government for distribution to GAM members; (2) the government would allocate some US\$ 6 million to compensate GAM members; (3) plantation land would be allocated for 150 *dayah* (traditional Islamic boarding school) up to a maximum 100 hectares per school; (4) all mosques in Aceh will receive free electricity; and (5) GAM will turn 900 weapons in exchange for a full amnesty that will include those already in detention or convicted, with an extra 100 weapons will be handed over when a peace agreement was signed (*International Crisis Group* 2005, 2-3).

In order to avoid negative comments and attacks from politicians, Kalla's team kept the initiative—including the statement—informal and secret, but he made a thorough report to President Yudhoyono. In November 2004, after his consultation with the president, Kalla told his negotiating team that the government not only agreed with the signed agreement but also wanted it to be implemented immediately (*International Crisis Group* 2005, 3). The involvement of the CMI and in particular its founder, Marti Ahtisaari, was instrumental in accelerating the peace process. Compared to the HDC in previous peace agreements, the CMI secures a relatively higher degree of authority and capacity in serving as a peace mediator. It was relatively easy for Ahtisaari, for example, to gain access to high-level authorities such as the UN Secretary General, Kofi Annan, and the European High Representative for Foreign and Security Policy, Javier Solana, which proved to be invaluable in the early stages of the talks. During the process, Ahtisaari received confirmation from both Indonesian government and GAM that the peace talk would resume in late December 2004. However, on 26 December 2004, tsunami hit Aceh following an earthquake of 9.0 magnitude off the northwest coast of Sumatra (Aspinall 2005, 19).

Helsinki Memorandum of Understanding (MoU)

Amid the massive devastation brought by the tsunami, the peace talks resumed in January 2005 in Helsinki, Finland. On Indonesian government's side, the negotiation team included Hamid Awaluddin (Minister of Justice and Human Rights), Sofyan Djalil (Minister of Communications and Information), Farid Husain (Deputy Coordinating Minister for People's Welfare), and Wiryono Sastrohandoyo (a career diplomat) who served as the chief negotiator. Meanwhile, on GAM's side, the negotiation team involved senior leaders such as "Prime Minister" Malik Mahmud and "Foreign Minister" Zaini Abdullah as well as prominent members of Acehnese diaspora accompanied by foreign advisors. Several issues were on the agenda of the talks: (1) how demobilization and demilitarization should be carried out; (2) how monitoring and implementation of the agreement should be enforced; (3) how amnesty and reintegration of ex-combatants into the society should be pursued; and (4) how the future political status of Aceh and GAM's involvement in the local politics should be determined.

The seven-month negotiation through a series of meetings between January and July 2005 was not only an exhausting process, but also an exasperating activity that nearly brought the whole process into a collapse. One of the main problems is the pressure by the hardliners on both Indonesian government and GAM sides to adopt the old approach that produced a deadlock. On Indonesian government's side, between 2001 and 2003 the hard-liners—who wanted GAM to put down their weapons and "return to the bosom of the Motherland" (*kembali ke pangkuan Ibu Pertiwi*)—were dominating the solution for Aceh which, to some extent, had contributed to the collapse of COHA. Parliament members and prominent figures had attempted to block the talks on the ground that the peace negotiation was giving too much concession for GAM at the

expense of the nation's unity. In June 2005, amid the ongoing negotiation, Agung Laksono, the speaker of the parliament wrote a letter to the president demanding the talks to be stopped on the ground of international involvement and concession given to GAM were beyond the existing political framework (special autonomy under UU-NAD) (Kompas, 2 June 2005).

From GAM's point of view, while in the past they dismissed the idea of special autonomy offered by the government, this time they stressed on the ceasefire to allow humanitarian aid for the tsunami victims and were less interested in negotiating their aspiration for independence. As stated by Nur Djuli, a GAM negotiator in Helsinki, in an interview with the author:

"Tsunami was a pusher for us. After the tsunami hit Aceh severely, we (GAM leaders) saw that we have to set apart the other interest and put the humanitarian assistance for tsunami victims as our priority. At that time, the assistance for tsunami victims was piled up in Jakarta, Medan and Kuala Lumpur. Some assistance was even got rotten because the donors were afraid to enter Aceh due to the conflict. Thus, we had to be more flexible to allow humanitarian assistance enter Aceh" (Djuli, 2010).

As time passed by, however, GAM began to make a breakthrough. In the second round of the talks from 21 to 23 February 2005, GAM leaders announced that they would accept a solution based on "self-government" rather than full independence. They insisted that they still could not accept special autonomy, due to its negative association with the limited concession offered by the UU-NAD. While the words "independence" and "referendum" were taboo for Indonesian government, GAM's negotiators were allergic to the word "autonomy", which represented to them an abhorrent system of brutal oppression and impunity for murders, rapes, disappearances, massacres, and all sorts of other brutalities. They would be prepared to accept the extended version of self-government, which was less than independence and more than special autonomy (Djuli 2008, 29).

This dramatic change of position can be linked with two factors, as follows: firstly, the learning process on the part of GAM leaders. Although the hardline founder of GAM, Hasan Tiro, was still in control of the organization, his deteriorating health condition had prevented him from participating directly in the talks. Realizing that insistence on aspiration for independence would only produce an impasse, which could renew an armed conflict, the younger generation of GAM leaders began to think of a more tangible approach that can lead to a possible solution. As Bachtiar Abdullah, GAM spokesperson puts it: "The conflict cannot be solved like that (by insisting on demand for independence) and we have to come to term with... that (self-government) is the main thing on the table ... in the negotiations we go with the tangible thing on the table" (Aspinall 2005, 26). Secondly, the pressure by international communities to end the conflict immediately to allow humanitarian aid for the tsunami victims to flow without obstruction. Moved by the unprecedented suffering of the Acehnese, the international communities began to put pressure on the conflicting parties to pay more serious attention on peace agreement. Similar appeal was also made to the government of Sri Lanka and the Tamil separatist group. While President Yudhoyono announced a ceasefire and suggested a permanent peace solution soon after the tsunami, the international community expected GAM to adopt a more flexible approach.

This period of time in Indonesian history was a critical juncture where the government was willing to be more open to the demands from the separatist side and GAM representatives were also willing to accept a less than independence status within the framework of Indonesian state¹². After five rounds of talks (27-29 January, 21-23 February, 12-16 April, 26-31 May, and 12-17 July 2005), Indonesian government and GAM finally produced a Memorandum of Understanding (MoU) covering provisions of political status and governing of Aceh, human rights institutions, amnesty and integration into society,

security arrangements, Aceh Monitoring Mission, and dispute resolutions.

Post-Helsinki MoU Political Development in Aceh

The final version of the MoU was eventually signed on 15 August 2005. While the previous peace attempts failed to bring long-term peace and security and lacked acceptable political settlements for both conflicting parties, Helsinki MoU has a much greater chance to transparently address the root cause of conflict in Aceh and to build trust between them. Nevertheless, the signing of the MoU is by no means the end of the whole exhausting process of establishing peace in Aceh. At the early stage after the signing of the peace agreement, the new administration of President Yudhoyono and Vice President Jusuf Kalla had to convince the skeptics, especially those in the parliament (DPR or People's Representative Council), about the content as well as the implementation of Helsinki MoU. Some critics arisen soon after the signing of the MoU were that some articles, especially the formation of local political parties, violated some existing laws in Indonesia and that there was no article in the MoU mentioning about the sanction for violation of the agreement. All of those were considered as a result of a relatively exclusive negotiation process leading to the formulation of articles in the MoU.

A similar sound came from Megawati—former Indonesian president and leader of opposition party—who wistfully stated her deep concern about the decrease of Indonesian sovereignty seen from the content of MoU that has very little regard to the Unitary State of the Republic of Indonesia (NKRI), the 1945 Constitution (UUD 1945) and Indonesian National Armed Forces (TNI). In her speech, several days after the signing of the MoU, she stated: “Indeed, we love peace, but the peace process should have showed that Indonesia is a country with sovereignty and dignity” (Serambi Indonesia, 21 August 2015).

Indonesian government, therefore, had to convince the skeptics, especially those in the parliament and the Ministry of Home Affairs, to endorse the formation of local parties in Aceh and allow ex-GAM members to run for local elections. It was this issue that created a tough negotiation in the last round of the peace talks. The existing law at the time, Law No. 31/2002 on Political Parties, stipulated that parties can be allowed to compete if they have an established branch structure in more than half of the 27 provinces, and within each of these provinces they must also have established branches within over half of all districts and municipalities. Given that Indonesia is a pluralistic society in terms of religion and ethnicity, this law was designed to prevent the formation of local, ethnic-based political parties that can be detrimental to the country's unity. Thus, to allow local political parties to be established in Aceh, the government must first amend the law. Unsurprisingly, the plan to revise the law had generated protests from the nationalists. Pramono Anung, the Secretary General of the opposition and the second biggest political party (PDI-P), for example, rejected the idea of local political parties by referring to the danger of separatist threat posed by ethnic-oriented parties in the Basque region and Quebec (Kompas, 7 July 2005).

In spite of the protests and skepticisms, there was no possibility of retraction. The peace agreement had already been signed and awaiting its implementation. As the Bill on the Government of Aceh (RUU-PA) was in the making, the sign of agreement in the parliament of endorsement of local parties in Aceh became more visible. In drafting the Law on the Government of Aceh (UU-PA), Indonesian government requested the Acehnese to form their own team to put in a draft to be submitted to the government. Consisting of representatives of GAM, academics, local parliament members, and civil society organizations, the team completed the draft and submitted it to the State Secretariat in December 2005. The State Secretariat subsequently passed the draft to be discussed and enacted by the parliament, which had already formed a working committee

(*panitia kerja/panja*) to work on the final draft of the law. Report suggested that the State Secretariat had substantially “trimmed” (*memangkas*) the original version of the draft. It was leaked to the media that among the crucial points wiped out from the original version were clauses stipulating independent candidacy in the local elections much wanted by former GAM members and the special autonomy of Aceh region to conduct its own foreign economic relations. There was discussion among GAM members that such a trimming is reflective of Indonesian government’s betrayal of the Helsinki MoU. Before the situation got worse, Jusuf Kalla intervened by ensuring that the original draft of the law would not be changed until it reached the working committee in the parliament (Serambi Indonesia, 4 February 2006).

The Law on the Government of Aceh was originally planned to be passed by the parliament by 31 March 2006, in anticipation of Regional Head Election (*Pilkada*) scheduled for April 2006. However, when the working committee started its discussion in February, there was a list consisting of 1,446 questions and problems to be answered and solved. Thus, the government decided to extend the timetable to at least July 2006, and the Regional Head Election was rescheduled for September 2006. Despite some skeptical comments from different groups in Aceh with regard to the working committee’s capability to solve all of the problems, GAM leaders were relatively satisfied with the development of the draft. Malik Mahmud, GAM’s “prime minister”, expressed his satisfaction with the development of RUU-PA as he says: “Despite some problems here and there, the current situation of RUU-PA is satisfying. It proceeds according to the spirit of the Helsinki Agreement. In general, we are pleased with it” (Tempo.co, 2006). The atmosphere in the DPR indicated that the problem of the establishment of local parties in Aceh had been agreed. Early on, nine of the ten factions in the DPR agreed to allow local parties to be formed in Aceh. PDI-P, the only faction rejecting the plan, finally gave in after some serious internal discussions.

After a long process, the Law on the Government of Aceh was finally ratified on 1 August 2006. Comprising 40 chapters and 278 articles, the law serves as a new foundation for Aceh’s administration. The provision about the establishment of local political parties for Aceh was included into the law. Chapter XI Article 75 (1) of the law reads: “People in Aceh can form Local Political Party.” Detailed regulations were written on 16 March 2007 when Government Regulation (PP, *Peraturan Pemerintah*) No. 20/2007 on Local Political Parties in Aceh was issued.

By the completion of this paper, Aceh has undergone three gubernatorial elections and two legislative elections. Thorough narratives of the newly emerging leadership and analysis on the political development in Aceh after the signing of Helsinki MoU are beyond the scope of the present paper. However, the following section presents general pictures of some of the election results undertaken in Aceh after the signing of the peace agreement, which are overwhelmingly in favor of former GAM combatants-turned-politicians.

Result of 2006 Aceh gubernatorial Election

No.	Governor and vice governor candidates	Votes	Share (%)	Note
1	Irwandi Yusuf and Muhammad Nazar	1,768,745	38.20	Independent candidates supported by many former members of GAM
2	Human Hamid and Hasbi Abdullah	334,484	16.62	Supported by Development and Unification Party (PPP), a national party
3	Malik Raden and Sayed Fuad Zakaria	281,174	13.97	Supported by national parties (Golkar, PDIP and PKPI)
4	Azwar Abubakar and Nasir Djamil	213,566	10.61	Supported by national parties (PAN and PKS)
5	Ghazali Abbas Adan and Salahuddin Alfata	156,978	7.80	Independent candidates
6	Iskandar Hoesin and Saleh Manaf	111,553	5.54	Supported by national party (PBB)
7	Tamlicha Ali dan Harmen Nuriqmar	80,327	3.99	Supported by national parties (PBR, PPNUI, and PKB)
8	Djali Yusuf and Syauqas Rahmatillah	65,543	3.26	Independent candidates
	Total	2,012,370	100.00	

Source: Indonesian General Elections Commission (KPU, *Komisi Pemilihan Umum*), compiled by author

Result of 2009 Aceh Legislative Election

No.	Party Name	Seat	Note
1.	Aceh Party (<i>Partai Aceh</i>) ¹³	33	Local party
2.	Democratic Party (<i>Partai Demokrat</i>)	11	National party
3.	Party of the Functional Groups (<i>Partai Golongan Karya</i>)	8	National party
4.	National Mandate Party (<i>Partai Amanat Nasional</i>)	5	National party
5.	Development and Unification Party (<i>Partai Persatuan Pembangunan</i>)	4	National party
6.	Prosperous Justice Party (<i>Partai Keadilan Sejahtera</i>)	4	National party
7.	Patriot Party (<i>Partai Patriot</i>)	1	National party
8.	National Awakening Party (<i>Partai Kebangkitan Bangsa</i>)	1	National party
9.	Indonesian Justice and Unity Party (<i>Partai Keadilan dan Persatuan Indonesia</i>)	1	National party
10	Aceh Sovereignty Party (<i>Partai Daulat Aceh</i>)	1	Local party
11	Crescent Star Party (<i>Partai Bulan Bintang</i>)	1	National party

Source: Indonesian General Elections Commission (KPU, *Komisi Pemilihan Umum*), compiled by author

Result of 2012 Aceh gubernatorial Election

No	Governor and vice governor candidates	Votes	Share (%)	Note
1	Zaini Abdullah and Muzakir Manaf	1,327,695	55.9	Supported by local party (Partai Aceh)
2	Irwandi Yusuf and Muhyar Yunan	694,515	29.2	Independent candidates (at the same time, Irwandi was the incumbent governor)
3	Muhammad Nazar and Nova Iriansyah	182,079	7.6	Supported by coalition of national parties (Partai Demokrat and PPP) and local party (SIRA)
4	Darni M. Daud and Ahmad Fauzi	96,767	4.1	Independent candidates
5	Teungku Ahmad Tajuddin and Teuku Suriansyah	79,330	3.3	Independent candidates
	Total	2,380,386	100.0	

Source: Indonesian General Elections Commission (KPU, *Komisi Pemilihan Umum*), compiled by author

The presentation about elections in Aceh after the signing of the peace agreement does not suggest that it is the whole contributor of the political stability in Aceh. If anything, there were a lot more issues around elections, such as: electoral violence and competition among the former combatants. There are also still some risks and unfinished agenda around the implementation of the peace agreement. Elections, however, as Aspinall (2008) argues, did help to consolidate the peace process in Aceh in several important ways, as follows: they demonstrated to Aceh's population that dramatic political change was possible, they also helped former members of GAM to integrate into Indonesia's governing structures, and begin to abandon their previous posture of opposing them from the outside, and elections also encouraged GAM leaders to turn their attention toward the mundane and technical issues of economic development that concerned voters, and away from the more elemental issues of identity and ethnic pride that had motivated GAM in the past. Even the divisions, which opened up within the movement during the elections, were arguably a healthy sign of the movement's transition toward 'normal' democratic politics.

Conclusion

The case of Aceh presented a long and exhausting process to settle an internal conflict. One cannot deny that there are some supporting factors contributed to the settlement of the separatist conflict. However, the conflict settlement in Aceh could be associated with the change in the broader context, i.e. the national level. From the government side, it was the democratic transition laying the foundation for negotiations with the separatist fighters. The democratization in Indonesia that eventually strengthened the position of leaders who are committed to a peaceful solution has generated a chance for a peace in Aceh. While the authoritarian government under President Suharto saw the primacy of military strategy as the only way to end the rebellion, the democratic governments in post-Suharto era began to view dialogue and negotiation as appropriate way to end the conflict. Moreover, learning from the failures of the peace agreements, the government began to work on a more workable solution to the conflict, by giving incentives for the separatists to participate in local politics. From the separatists side, the growing conviction that democratic political framework would make their voices heard and interests represented (at least at the local level) had made them ready to give up their weapons and strike a deal with Indonesian government through dialogue and negotiation.

Notes

- 1 The end of Cold War, which also marked the beginning of expansion of Western liberal democracy to the other parts of the world.
- 2 See Darby (2001), for the list of peace accords signed between January 1988 and December 1998.
- 3 Aceh Province's Central Bureau of Statistics (2016).
- 4 Indonesia currently has 34 provinces, eight of which were created after 1999, namely: North Maluku, West Papua, Banten, Bangka Belitung Islands, Gorontalo, Riau Islands, West Sulawesi, and (in late 2012) North Kalimantan. Five provinces have special status, as follows: Aceh (for the implementation of shari'a as the regional law of the province), Special Capital Region of Jakarta (as the capital city of Indonesia), Special Region of Yogyakarta (a sovereign monarchy within Indonesia with the Sultan Hamengkubuwono as hereditary governor and Paduka Sri Pakualam as hereditary vice-governor), Papua (for its Special Autonomy status), and West Papua (for its Special Autonomy status).
- 5 Traditional Islamic term to refer to the two holy cities of Islam, Mecca and Medina.
- 6 *Darul Islam* was a rebellion waged between 1949 and 1962 by the Islamic State of Indonesia and took place in various places throughout the country. This rebellion began when Sekarmadji Maridjan Kartosuwirjo, a nationalist who had resisted the Dutch during the Indonesian National Revolution, refused to recognize the new Republic of Indonesia and sought to establish an Islamic State in Indonesia.
- 7 *Adat*, in general, refers to sets of traditions that a community has practiced for generations and these were eventually codified by legal practitioners. In addition to a codified law, *Adat* should also be understood as a code of behavior and guidance from past generations, which have been continuously passed down to later generations through traditional institutions. Moreover, in Acehnese community, *adat* and law must be compatible with religion (Islam). The Acehnese have a life philosophy called the Hadih Maja, which says: "Adat bak Poteu Meureuhom, Hukum bak Syiah Kuala (*Adat* is with the king/ruler and the law is with the Syiah).
- 8 "New Order" (*Orde Baru*) is a term used to describe the regime of Indonesia's 2nd president, Suharto, as well as to differ it from the previous regime of Sukarno (which was named "Old Order"/*Orde Lama*). Suharto was in power from 1966 until 1998. Having been a military general, Suharto's regime is mostly known for having a strong military support, repressive to opposition, and authoritarian.
- 9 For a critical assessment about the background of GAM, see Missbach (2005) and Schulze (2006).
- 10 "New Order" (*Orde Baru*) is a term used to describe the regime of Indonesia's 2nd president, Suharto, as well as to differentiate it from the previous regime of Sukarno (which was named "Old Order"/*Orde Lama*). Suharto was in power from 1966 until 1998. Having been a military general, Suharto's regime is mostly known for having a strong military support, repressive to opposition, and authoritarian.
- 11 The Cessation of Hostilities Agreement (COHA) was signed in Geneva on 9 December 2002. Important new details of the agreement were: the provision of a two-month grace period—during which both sides would demonstrate their commitment to peace by not increasing their forces and relocating these forces to defensive positions; the designation of demilitarized zone during the grace period; and the designation of placement for GAM's weapons after the grace period.
- 12 In his 2001 book *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America*, James Mahoney states "Critical juncture is moment of relative structural indeterminism when willful actors shape outcomes in a more voluntary fashion than normal circumstances permit... Before a critical juncture, a broad range of outcomes is possible; after a critical juncture, enduring institutions and structures are created, and the range of possible outcomes is narrowed considerably." (quoted in Kuru 2007, 585).
- 13 Aceh Party (*Partai Aceh*) was initially named GAM Party (*Partai GAM*), after Free Aceh Movement (GAM, *Gerakan Aceh Merdeka*), the separatist group that fought for independence of Aceh. Many of its leaders are senior figures of the movement. The Chairman of this party is the former military commander of GAM's military wing.

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